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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/289,044	04/09/1999	ANDREW H. SOLL	1726-001	8196
9629	7590	10/23/2006	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			RIMELL, SAMUEL G	
			ART UNIT	PAPER NUMBER
			2164	

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/289, 044

EXAMINER

ART UNIT PAPER

20061018

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Commissioner for Patents

See Attached Notification



Sam Rimell
Primary Examiner
Art Unit: 2164



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Fax Cover Sheet

Date: 19 Oct 2006

To: Steven D. Underwood	From: Sam Rimell
Application/Control Number: 09/289,044	Art Unit: 2164
Fax No.: 212-309-6273	Phone No.: (571)272-4084
Voice No.: 202-739-3000	Return Fax No.: (571)273-8300
Re:	CC:
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input type="checkbox"/> Per Your Request	

Comments:

Mr. Underwood:

We received your inquiry regarding this application. You raised a question as to whether any statutory requirement existed for the claim language to identically appear in the specification.

The final office action was not intended to convey such a requirement.

The exact quotations cited from the claims were provided to avoid ambiguity, so that applicant can separate the rejected subject matter from the non-rejected subject matter. It was not provided with the intent of demanding that those exact quotations appear in the specification. The rejection is based on a finding that the subject matter identified does not meet the requirements of 35 USC 112, first paragraph, and this statute is quoted at the beginning of the action. 35 USC 112 as cited in the action does not make any additional requirement for identical words appearing in both the specification and claims.

SAM RIMELL
PRIMARY EXAMINER

Number of pages 1 including this page

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